

103^D CONGRESS
1ST SESSION

H. R. 1201

To amend title 38, United States Code, to provide an opportunity for those service members on active duty who enlisted between January 1, 1977, and June 30, 1985, to enroll in the All-Volunteer Force Educational Assistance Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1993

Mr. MONTGOMERY (by request) introduced the following bill; which was referred jointly to the Committees on Armed Services and Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide an opportunity for those service members on active duty who enlisted between January 1, 1977, and June 30, 1985, to enroll in the All-Volunteer Force Educational Assistance Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. OPPORTUNITY FOR PERSONS WHO ENLISTED**
2 **BETWEEN JANUARY 1, 1977, AND JUNE 30,**
3 **1985, TO ENROLL IN ALL-VOLUNTEER FORCE**
4 **EDUCATIONAL ASSISTANCE PROGRAM.**

5 (a) IN GENERAL.—Chapter 30 of title 38, United
6 States Code, is amended by adding after section 3018B
7 the following new section:

8 **“§ 3018C. Opportunity for persons who enlisted be-**
9 **tween January 1, 1977, and June 30, 1985,**
10 **to enroll**

11 “(a) Notwithstanding any other provision of law, the
12 Secretary of Defense shall, subject to the availability of
13 appropriations, allow an individual who—

14 “(1) is an eligible veteran for purposes of chap-
15 ter 32;

16 “(2) is serving on active duty on the date of en-
17 actment of this section and is discharged or released
18 therefrom with an honorable discharge;

19 “(3) before applying for benefits under this sec-
20 tion, has completed the requirements of a secondary
21 school diploma (or equivalency certificate) or has
22 successfully completed the equivalent of 12 semester
23 hours in a program of education leading to a stand-
24 ard college degree; and

25 “(4) before being discharged or released from
26 active duty as described in paragraph (2), elects to

1 receive assistance under this section or, in the case
2 of any individual enrolled in the educational benefits
3 program provided by chapter 32, makes an irrev-
4 ocable election to receive benefits under this section
5 in lieu of benefits under such chapter 32, pursuant
6 to procedures which the Secretary of each military
7 department shall provide in accordance with regula-
8 tions prescribed by the Secretary of Defense for the
9 purpose of carrying out this section or which the
10 Secretary of Transportation shall provide for such
11 purpose with respect to the Coast Guard when it is
12 not operating as a service in the Navy;

13 to become entitled to basic educational assistance under
14 this chapter.

15 “(b)(1) Except as provided in paragraph (2), the
16 basic pay of an individual who makes an election under
17 subsection (a) to become entitled to basic educational as-
18 sistance under this chapter shall be reduced by \$1,200.

19 “(2) In the case that the Secretary of Defense deter-
20 mines that it is not administratively feasible to reduce the
21 basic pay of an individual for the purposes of paragraph
22 (1), such Secretary shall collect \$1,200 from the individ-
23 ual, which shall be paid into the Treasury of the United
24 States as miscellaneous receipts.

1 “(3) No payment of basic educational assistance
2 under this chapter shall be made to an individual allowed
3 to become entitled to such assistance under this section
4 whose basic pay has not been reduced as provided in para-
5 graph (1) or who has not paid the Secretary of Defense
6 in accordance with paragraph (2).

7 “(c)(1) Except as provided in paragraph (3) of this
8 subsection, an individual who is enrolled in the educational
9 benefits program provided by chapter 32 and who makes
10 the election described in subsection (a)(4) shall be
11 disenrolled from such chapter 32 program as of the date
12 of such election.

13 “(2) For each individual who is disenrolled from such
14 program, the Secretary shall refund—

15 “(A) as provided in section 3223(b), to the indi-
16 vidual the unused contributions made by the individ-
17 ual to the Post-Vietnam Era Veterans Education
18 Account established pursuant to section 3222(a);
19 and

20 “(B) to the Secretary of Defense the unused
21 contributions (other than contributions made under
22 section 3222(c)) made by such Secretary to the Ac-
23 count on behalf of such individual.

24 “(3) Any contribution made by the Secretary of De-
25 fense to the Post-Vietnam Era Veterans Education Ac-

1 count pursuant to section 3222(c) on behalf of any indi-
 2 vidual referred to in paragraph (1) of this subsection shall
 3 remain in such Account to make payments of benefits to
 4 such individual under section 3015(f) of this chapter.”.

5 (b) CONFORMING AMENDMENTS.—(1) The table of
 6 sections at the beginning of chapter 30 of such title is
 7 amended by inserting after the item relating to section
 8 3018B the following new item:

“3018C. Opportunity for persons who enlisted between January 1, 1977, and
 June 30, 1985, to enroll.”.

9 (2) Section 3013(e) of such title is amended by strik-
 10 ing out “or 3018B” and inserting in lieu thereof “,
 11 3018B, or 3018C”.

12 (3) Section 3015(f) of such title is amended by insert-
 13 ing “, 3018B, or 3018C” after “section 3018A”.

14 (4) Section 3035(b) of such title is amended—

15 (A) in paragraph (3) in the matter preceding
 16 subparagraph (A), by striking out “or 3018B” and
 17 inserting in lieu thereof “, 3018B, or 3018C”; and

18 (B) in paragraph (3)(C), by striking out
 19 “3015(e)” and inserting in lieu thereof “3015(f)”.

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